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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

vs.

R G MASONRY, INC., a California
corporation,

Defendant.

Case No.: 4:22-cv-00469-DMR

**JOINT STIPULATION AND REQUEST
TO CONTINUE FURTHER CASE
MANAGEMENT CONFERENCE FOR
NINETY (90) DAYS; ORDER
THEREON**

IT HEREBY STIPULATED by and between plaintiffs Boards of Trustees of the Cement
Masons Health and Welfare Trust Fund for Northern California, Board of Trustees of the
Cement Masons Vacation-Holiday Trust Fund for Northern California, Board of Trustees of the

1 Cement Masons Pension Trust Fund for Northern California, and Board of Trustees of the
2 Cement Masons Training Trust Fund for Northern California (“Cement Masons Trust Funds”),
3 on the one hand, and defendant R G Masonry, Inc. (“RG Masonry”), on the other hand, through
4 their respective counsel, as to the following:

5 On September 26, 2022, plaintiffs filed their Complaint for Breach of Collective
6 Bargaining Agreement; To Recover Unpaid Trust Fund Contributions and for Mandatory
7 Injunction seeking to recover unpaid trust fund contributions owed to plaintiffs, and to compel
8 defendant, a signatory Laborers Union employer, to submit to an audit of the books and records
9 of RG Masonry, Inc. [Dkt. 1]. Defendant was served personally served on March 22, 2022.
10 [Dkt. 7]. Defendant filed an answer on March 23, 2022. [Dkt. 10].

11 In conjunction with the complaint, plaintiffs seek to recover approximately \$484,473.90
12 in alleged unreported and unpaid fringe benefit contributions, plus accrued interest, and
13 liquidated damages, pursuant to an audit conducted on or about September 27, 2021, covering
14 the period August 2016 through September 2020 [First and Second Claims for Relief].
15 Plaintiffs also seek to compel defendant to submit to a further audit of its books and records for
16 the period October 2020 through the last completed quarter [Third Claim for Relief].

17 The court held a case management conference on August 3, 2022, at which time
18 attorneys for each party confirmed that active discussions were ongoing, at that time, around
19 settlement of this matter that may lead to a stipulated request for dismissal. A further case
20 management conference is scheduled for October 5, 2022, with an updated, jointly stipulated
21 case management statement due to the court on September 28, 2022.

22 Following the August 3, 2022, case management conference, the parties reached
23 agreement on the material terms of a settlement agreement that is awaiting final review and
24 approval by the Board of Trustees for each of Plaintiffs’ Trust Funds, with a decision to be
25 made on December 14, 2022.

26 Upon approval of the settlement terms by the various Board of Trustees, and upon
27 receipt of an initial down payment of \$15,000 from defendant on December 15, 2022, the
28 parties will jointly stipulate to, and respectfully request that this Court dismiss the action,

1 without prejudice, but otherwise reserving jurisdiction to enforce the terms of the settlement
2 agreement.

3 Accordingly, the parties mutually request the Court stay the upcoming case management
4 conference for a period of ninety (90) days from October 5, 2022, to allow the parties time to
5 obtain final approval of the proposed settlement agreement and payment plan, thereby avoiding
6 further time and expense of further litigation.

7 DATED: September 28, 2022

8 BULLIVANT HOUSER BAILEY PC

9
10 By /s/ Adam Thomas
11 Ronald L. Richman
Adam Thomas

12 Attorneys for Plaintiffs

13 DATED: September 28, 2022

14 LAW OFFICE OF GEORGE F. CAMERLENGO

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16 By /s/ George F. Camerlengo
17 George F. Camerlengo

18 Attorney for Defendant
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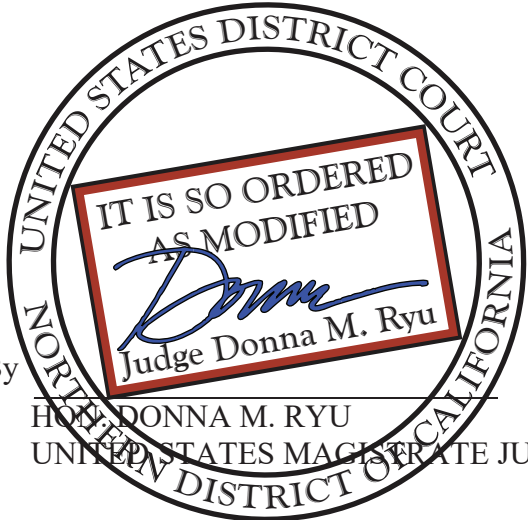
ORDER (AS MODIFIED)

Pursuant to the parties' stipulation and good cause appearing:

IT IS HEREBY ORDERED that the case management conference scheduled for October 5, 2022, is continued to January 4, 2023 at 1:30 p.m., in Oakland, - videoconference only. The parties shall file an updated joint case management conference statement by December 28, 2022.

IT IS SO ORDERED AS MODIFIED.

DATED: September 29, 2022

By 
HON. DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE